

Remarks

Some errors in the claims were noted with respect to amendments made during the PCT International Stage and the amendments made herein correct those errors.

In response to the Restriction Requirement, the applicants hereby elect Group III, drawn to compounds of formula I wherein Q is Q²¹ or Q²⁷. This election is with traverse.

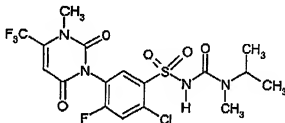
During the International Stage of the PCT application no issue arose with respect to unity of invention, and in fact unity was acknowledged at the International Stage. Accordingly, the actions of the Examiner go directly against the proceedings at the International Stage and reconsideration for that reason is requested.

According to PCT Rule 13.2, the applicants should be entitled to have unity recognized, and thus examination conducted, for at least the elected compounds of formula I, the process for preparing such compounds (claim 20) and a method of controlling unwanted plants by using such compounds (claim 26). As this is a national stage entry application, reconsideration and modification of the restriction requirement with respect to this point is requested.

If the Examiner persists in going against the findings at the PCT International Stage, then it would appear to be more in order to restrict the compounds into two groups, one group directed to compounds of formula I wherein Q is a 6-membered heterocyclic ring, which would encompass the rings in claim 16 identified as Q⁶, Q²⁰ to Q²⁷, Q²⁹ to Q³¹, Q³⁸ and Q³⁹. The second group of compounds of formula I would be compounds wherein Q is a 5-membered heterocyclic ring, which would encompass Q¹ to Q⁵, Q⁷ to Q¹⁹, Q³² to Q³⁷. It is urged that the Restriction Requirement be modified accordingly, and in that event the applicants elect

compounds where Q is a 6-membered heterocyclic ring, and request that the methods of making and using such compounds be examined together with the compound claims.

In response to the election of species requirement, the applicants elect the single species of Example No. 5, which appears on pages 112 and 113 of the specification. The elected species is of the formula:



Claims 16 to 19, 22-23 and claims 28-35 encompass the elected subject matter. In addition, for the reasons set forth above, claims 20 and 24-27 should be examined together with the elected subject matter, as these claims are directed to a process for preparing compounds which include the elected compounds, and a method of preparing compositions and treating unwanted vegetation or plants with compounds which include the elected compounds. Withdrawal or at least modification of the Restriction Requirement is believed in order and is requested.

Early and favorable examination on the merits is awaited.

Respectfully submitted,

By

A handwritten signature in cursive script, appearing to read "Robert B. Murray". The signature is written in dark ink and is positioned to the right of the word "By".

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